

TOWN OF ERIE  
BOARD OF TRUSTEES REGULAR MEETING 1  
Tuesday, July 14, 2015  
6:30 p.m.

Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

**I. CALL MEETING TO ORDER**

Mayor Harris called the July 14, 2015 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE AND ROLL CALL**

Roll Call:	Trustee Carroll	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Absent/Excused
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Present

**III. APPROVAL OF THE AGENDA**

Action: Trustee Charles moved to approve the July 14, 2015 Town of Erie Board of Trustees Meeting Agenda; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

**IV. CONSENT AGENDA**

- a. Approval of the June 23, 2015 Meeting Minutes
- b. Resolution 15-84; A Resolution Approving the Purchase of a Toro Mower for Parks Department
- c. Resolution 15-85; A Resolution Approving an Encroachment License Agreement with Anadarko
- d. Resolution 15-86; A Resolution Approving the Purchase of a Utilities Easement
- e. Resolution 15-89; A Resolution Approving Erie Highlands Filing No. 3 Development Agreement and Subdivision Plat
- f. Resolution 15-90; A Resolution Approving Erie Highlands Filing No. 4 Development Agreement and Subdivision Plat
- g. Resolution 15-91; A Resolution Approving Canyon Creek Subdivision Filing No. 9, 1<sup>st</sup> Amendment to Development Agreement
- h. Resolution 15-93; A Resolution Authorizing the Engagement of Summit Bank & Trust for Banking Services

**CONSENT AGENDA (continued)**

**Action:** Mayor Pro Tem Gruber moved to approve the July 14, 2015 Consent Agenda; the motion was seconded by Trustee Charles. The motion carried with the following Roll Call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

**V. PUBLIC COMMENT**

Jeff Wilkes, 1116 Fletcher Drive, Erie, CO., addressed the Board regarding parking issues in the Downtown area. Ted McCarty, 1348 Lawson Avenue, Erie, CO., thanked Staff and the Board for working with the Methodist Church to construct a parking lot for use by the Church and Town Hall.

**VI. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES**

- a. Ordinance 15-2015 An Ordinance Of The Town Of Erie, Colorado, Regarding The Rezoning Of The Wise Farms Property, Adopting Certain Findings Of Fact And Conclusions Unfavorable To The Planned Unit Development Overlay Rezoning; And, Setting Forth Details In Relation Thereto (FIRST READING)

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Ordinance 15-2015 for the Rezoning of the Wise Farms property. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft an ordinance denying the Rezoning of the Wise Farms property. Staff has provided revised Ordinance 15-2015 denying the proposed the Rezoning of the Wise Farms property for not being in compliance with three of the Approval Criteria in Municipal Code Title 10, Section 7.5.B.9.

- b. Ordinance 16-2015 An Ordinance Of The Town Of Erie, Colorado, Regarding The Wise Farms PUD Zoning Map Overlay Rezoning, Adopting Certain Findings Of Fact And Conclusions Unfavorable To The Planned Unit Development Overlay Rezoning; And, Setting Forth Details In Relation Thereto (FIRST READING)

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Ordinance 16-2015 for the Wise Farms PUD Zoning Map Overlay Rezoning. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft an ordinance denying the Rezoning of the Wise Farms property. Staff has provided revised Ordinance 16-2015 denying the proposed the Wise Farms PUD Zoning Map Overlay Rezoning for not being in compliance with four of the Approval Criteria in Municipal Code Title 10, Section 7.6.D.9.

## LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)

- c. **Resolution 15-66 A Resolution Making Certain Findings Of Fact And Conclusions Unfavorable To The Wise Farms Preliminary Plat; And Setting Forth Details In Relation Thereto.**

On Tuesday, May 26, 2015 and June 23, 2015 the Board of Trustees considered Resolution No. 15-66 for the Wise Farms Preliminary Plat. During the June 23, 2015 Board of Trustees meeting, staff was directed to draft a resolution denying the Wise Farms Preliminary Plat. Staff has provided revised Resolution No. 15-66 denying the proposed the Wise Farms Preliminary Plat for not being in compliance with seven of the Approval Criteria in Municipal Code Title 10, Section 7.7 C.10

**Action:** Mayor Pro Tem Gruber moved to continued Resolution 15-66 to the July 28, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

**Action:** This was the first reading of Ordinance 15-2015 and Ordinance 16-2015; they will be returned for Board action at the July 28, 2015 Regular Meeting of the Town of Erie Board of Trustees.

## **VII. RESOLUTIONS**

### **PUBLIC HEARING**

- a. **Resolution 15-87; A Resolution Providing For The Supplemental Appropriation Of Money To Various Funds In The Amounts And For The Purposes Set Forth Below, For The Town Of Erie, Colorado, For The 2015 Budget Year**

The Town of Erie adopted the 2015 Budget on November 18, 2014. At least twice yearly, staff reviews the adopted budget and year-to-date actual revenues and expenditures. Based on these reviews, staff requests supplemental appropriations to update the budget to reflect actual revenues and expenditures of the prior and current year, year-to-date Board of Trustee actions, and projected revenues and expenditures for the remaining fiscal year. The 2015 Supplemental Appropriation Request for July represents staff's conservative and prudent estimates for providing on-going, quality services to customers for 2015. Although some data is presented as the total of all funds, each fund is independent of the other funds. We do not anticipate any negative fund balances in the requested 2015 Supplemental Appropriation Request for July. The beginning fund balances of the Supplemental Appropriation have been updated to reflect the actual ending fund balances (working capital in the case of enterprise funds) from 2014. This Supplemental Appropriation includes total revenues (inclusive of inter-fund transfers) amounting to \$49.0 million, an increase of \$1.1 million over the 2015 Adopted Budget. Accounting for the majority of this increase are development-related fees and grants. The Supplemental Appropriation includes expenditures amounting to \$66.2 million in all funds (of which \$34.3 million are for capital expenditures). This represents an increase of \$17.8 million in expenditures over the 2015 Adopted Budget, of which all but \$0.3 million are for capital expenditures. This increase reflects additional appropriation requests amounting to \$0.3 million, rollovers for capital projects from 2014 of \$17.2 million and \$0.2 million in additional requests already approved by the Board.

**Action:** Mayor Harris opened the Public Hearing for Resolution 15-87 at 6:55 p.m. Following a presentation by Steve Felten, Finance Director; and hearing no one wishing to make public comment on this item, Mayor Harris closed the Public Hearing for Resolution 15-87 at 6:57p.m.

**RESOLUTIONS (continued)**

**Action:** Mayor Pro Tem Gruber moved to approve Resolution 15-87; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

Mayor Pro Tem Gruber	Yes
Trustee Charles	Yes
Trustee Carroll	Yes
Trustee Woog	Yes
Trustee Schutt	Yes
Mayor Harris	Yes

**b. Resolution 15-88; A Resolution Approving Town Hall West Parking Lot Surveys and Demolition**

On November 18, 2014, The Board of Trustees approved Resolution 14-133, awarding the Consulting Contract To Oz Architecture for the Town Hall Needs Assessment and Programing Plan Stage of the Town Hall Remodel Project. The Town Hall Remodel project is a new project that will consist of multiple stages that included, evaluating the current office space, current staffing needs, parking needs, and determining how to use the vacated police station and municipal court office space. The Town Hall needs assessment provided a roadmap to use for evaluating the expansion to the current facility, looking forward 10-20 years to support the services needs that will grow with the population of the Town. On March 24, 2015 The Board of Trustees directed staff to move forward with two of the items that resulted from the Town Hall Needs Assessment and Programing Plan. Direction was given to staff to proceed with the minor renovation of the existing police space and work with the Methodist Church to secure arrangements for additional parking space, with the construction of the parking lot located at 602 Holbrook Street. Town staff has been working with the Methodist Church on the attached items, which include parking lot lease agreement, demolition of existing house located at 602 Holbrook Street, and Parking Lot and Property Survey and Design. The Town of Erie will enter into a 25 year Lease Agreement with the Methodist Church which will allow the use of the parking lot for agents, representatives and employees of the Town; in exchange the Town will be responsible for the as needed maintenance, upkeep, and repair and cleaning. Demo of the existing house located on 602 Holbrook Street; remove existing trees and all debris by Alpine Demolition LLC in coordination with Excel Energy to remove gas service. The Town has requested a proposal to enter into a Consulting Agreement with Oz Architecture to design the existing parking lot and the future parking lot per Town of Erie Development Code. The estimated construction cost to rebuild the existing parking lot and construct the new parking lot is approximately \$150,000.00. Staff recommended entering into the lease agreement with the Methodist Church for the use of existing and future parking lot, approving the demolition of the house located at 602 Holbrook Street and awarding the Design agreement to Oz Architecture.

**Action:** Following a presentation from Gary Behlen, Director of Public Works, staff was directed to come back to the Board of Trustees with an additional bid to pave the lot north of Town Hall.

**Action:** Trustee Charles moved to approve Resolution 15-88; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

## **RESOLUTIONS (continued)**

### **c. Resolution 15-92; A Resolution Approving Funds for the Completion of the Parking Lot/Trailhead on Erie Parkway**

The Colliers Hill Annexation Agreement, Second Amendment dated October 4, 2011 requires an asphalt parking lot to be installed at Erie Parkway just West of Colliers Hill, at the expense of the developer Community Development Group (CDG). Town staff worked with CDG to design the parking lot and the agreed upon amount to be paid by CDG of \$75,000.00. The Town currently holds a Letter of Credit that includes the \$75,000.00 for this parking lot. Upon approved design, CDG began clearing land to build parking lot and at which time they found debris under the area that is unsuitable for the parking lot's subgrade. The town then hired Pinyon Environmental, Inc. to conduct an environmental study to determine the extent and type of debris that was buried. Pinyon determined that the materials were construction debris and benign. In order to complete the parking lot to Town standards, all buried construction material needs to be removed, fill dirt added to bring the surface up to grade, and then the project can move forward as originally designed. These additional steps are necessary to ensure a parking lot that will conform to Town standards and be safe and useable for the public. This lot will become a major trailhead for the Coal Creek Trail as well as providing access to various neighborhoods and the down town corridor. Because of the increased scope of the project additional funds are needed to supplement the \$75,000.00 committed by CDG. With a cost estimate of \$132,631.88 to prepare the site for the parking lot construction staff is requesting that \$133,000.00 be appropriated from the Trails and Natural Areas Fund. Staff recommended approval of Resolution 15-92.

**Action:** Mayor Pro Tem Gruber moved to approve Resolution 15-92; the motion was seconded by Mayor Harris. The motion failed with the following roll call vote:

Mayor Pro Tem Gruber	Yes
Trustee Charles	No
Trustee Carroll	No
Trustee Woog	No
Trustee Schutt	Yes
Mayor Harris	Yes

**Action:** Staff was directed by the Board to return the parking area to its previous condition and leave it unpaved at this time.

## **VIII. ORDINANCES**

### **a. Ordinance 19-2015; An Ordinance Of The Town Of Erie, Colorado, Repealing The November 2013 Title 10 Unified Development Code; Adopting By Reference The June 2015 Title 10 Unified Development Code; Providing For The Effective Date Of This Ordinance; And, Setting Forth Details In Relation Thereto.**

Per Board of Trustees direction, the Town's Special Counsel is proposing an amendment to Title 10 and provided the proposed amendment attached to Ordinance 19-2015. The proposed amendment creates a process in lieu of the Special Review Use and Site Plan procedures for mineral extraction (including oil/gas drilling) when an Operator Agreement has been entered into between an oil/gas well operator and the Board of Trustees. The current process for mineral extraction requires an oil/gas operator to make Special Review Use and Site Plan applications to the Town for each well pad. Both of these applications require recommendations from the Planning Commission with the final

### ORDINANCES (continued)

decision by the Board of Trustees. All other oil/gas drilling not identified in a Board approved Operator Agreement will continue on the current process which includes the Special Review Use and Site Plan applications identified above. Barbara Green of Sullivan Green Seavy presented the proposed Code amendments to the Board of Trustees and was available to answer questions. The application to amend Title 10 of the Municipal Code of the Town of Erie, Colorado may be approved if the Board of Trustees finds that the approval criteria of Chapter 7.21.C.9 have been met:

- a. The proposed amendment will promote the public health, safety, and general welfare;
- b. The proposed amendment is consistent with the Town's Comprehensive Master Plan and the stated purposes of the Code; and
- c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

The required public notice for the Title 10 Amendment is in compliance with Section 7.2.F of the Code and C.R.S. 31-16-203 (which requires two published notices when a Title of a Code is adopted by reference); with published notice in the Colorado Hometown Weekly on June 3, 2015 and June 10, 2015. Mailed and posted notice is not required for amendments to Title 10.

**Action:** Trustee Schutt moved to approve Ordinance 19-2015; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with five (5) for and one (1) against vote, with Trustee Woog voting no.

**Action:** Mayor Harris called for a break at 8:18 pm and reconvened the meeting at 8:26 pm.

**Action:** General Board consensus was to place an item on General Business for a motion to allow the Town to request for party status with the Northwest Colorado Council of Governments (headwaters towns and counties). This would enable the Town to participate in the COGCC rulemaking process. NWCCOG regularly has other local governments outside the COG region who share a common interest in the rule at hand join in the request for party status and participate together in the rulemaking proceedings.

## **IX. GENERAL BUSINESS**

### **a. Public Arts Commission**

Mayor Pro Tem Gruber presented a proposal to the Board of Trustee to form a Public Arts Commission.

**Action:** Staff was directed to research the Town's ability to impose a fee and the viability of other proposed funding sources. The Board will schedule a Study Session later in the year to further discuss this item.

### **b. DRCOG State Highway 7 Urban Study/Station Area Master Plan Support**

Town of Erie staff has been contacted by the City and County of Broomfield, along with the other communities along the State Highway 7 corridor from Boulder to Brighton to support a Corridor-wide study. This study builds off existing efforts to plan for the future of the State Highway 7 corridor so that it can remain a viable arterial considering the anticipated land use development, population growth, and increased traffic volumes along the corridor. Bus Rapid Transit (BRT) on State Highway 7 is an exciting concept that has come out of recent studies (NAMS, CDOT SH 7 PEL) and is one solution that will help ensure the corridor remains sustainable for transporting people and goods throughout the region; part of seeing express or rapid transit come

**GENERAL BUSINESS** (continued)

to fruition is planning the elements that make the system possible, including: station/stop designs, station/stop amenities, non-motorized connectivity to stations/stops, and the ROW needed for all of these elements to be constructed. This study seeks to clearly establish consistent guidelines that will be applied along the length of the project area for the development of transit stations/stops, transit user amenities at stations/stops, and non-motorized access to stations/stops from surrounding land uses. In addition, the study will investigate ROW needs for building stations/stops along with ROW needs for constructing multiuse paths that connect stations/stops to adjacent land uses. As part of the 2016-2021 DRCOG TIP cycle, Boulder County was awarded funds to further study feasibility of SH 7 Bus Rapid Transit. While the study will provide key information such as projected ridership and corridor ROW needs, the study does not have adequate funding to plan for all of the elements that will be necessary to launch a BRT service in the future. This study will make it possible to continue the multijurisdictional effort to plan for BRT on the SH 7 corridor. In addition, guidelines for multiuse paths and sidewalks will be developed that can be implemented when land use development is taking place to ensure that the corridor accommodates pedestrian, bicycle, and transit modes of travel. The total project cost is \$250,000: \$200,000 Federal Request, and \$50,000 local match. Entities that are participating financially are Adams County, Brighton, Broomfield and Lafayette. All the communities along the corridor are providing letters of Support. Staff is recommending that the Board authorize the support of this Grant Application and matching funding of up to \$5000 from the Town of Erie if the Grant is awarded.

**Action:** General Board consensus was support this study and staff was directed to send a letter of support for this on behalf of the Town of Erie.

**X. BOARD OF TRUSTEES REPORTS**

Trustee Carroll asked for clarification on General Fund expenditures.

Trustee Woog reported that he would not be in attendance at the July 28, 2015 meeting. He also thanked the Police Department for their efforts regarding the 3<sup>rd</sup> of July Fireworks at Vista Ridge.

Trustee Charles reported that he also would not be in attendance at the July 28, 2015 meeting.

Mayor Harris provided an update on the Dog Park Project

**XI. ADJOURNMENT**

**Action:** Mayor Pro Tem Gruber moved to adjourn the July 14, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

**Action:** Mayor Harris adjourned the July 14, 2015 Regular Meeting of the Town of Erie Board of Trustees at 9:15 p.m.

Respectfully Submitted,

  
Nancy J. Parker, CMC, Town Clerk

